IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.21068-M of 2006
Date of Decision:- 28.04.2007

Surinder Kumar Bhalla ....Petitioner(s)

through
Mr.G.P.Singh, Advocate for
Mr.D.S.Pheruman, Advocate.

vs.

State of Punjab ....Respondent(s)

through
Mr.K.S.Pannu, AAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

In this petition under Section 482 Cr.P.C., the petitioner has come up with a prayer to quash the Calendra dated 22.8.2005 (Annexure P-5) whereby proceedings under Section 182 IPC have been initiated against him.

The petitioner is a retired old person. It appears that he made a written complaint dated 21.6.2005 to the Senior Superintendent of Police, Police District, Majitha (Annexure P-1), *inter alia,* alleging that his son Puneet Kumar was falsely implicated in F.I.R. No.84 dated 2.6.2003 under Section 457/380 IPC registered at Police Station, Majitha. The petitioner sent such like complaints subsequently also to various police Authorities. In these representations, the petitioner has alleged that his son was implicated at the instance of a local politician with whom he has inimical

relations.

It appears that the above-stated complaints made by the petitioner to various Police Authorities were enquired into in which a conclusion was arrived at that the allegations made by the petitioner regarding the innocence of his son or the latter's false implication, are incorrect and have no factual basis. It is on the basis of such conclusion that the respondent-Police Authorities have initiated proceedings against the petitioner under Section 182 IPC.

It is stated by Mr.K.S.Pannu, learned AAG, Punjab, on instructions from ASI Onkar Singh, that in the case arising out of F.I.R.No.84 dated 2.6.2003 pending against the petitioner's son, a challan has already been presented, however, he is not sure whether the charges have been framed or not. Thus, as of now, there is no verdict by the Court of Competent Jurisdiction that the petitioner's son was rightly or falsely implicated in the above-stated case.

Similarly, the allegations made by the petitioner as contained in his various complaints have not been found to be false by any Court.

The net conclusion would be that the police authorities, who registered F.I.R.No.84 dated 2.6.2003 against the petitioner's son have further concluded that the allegations made by the petitioner regarding false implication of his son, are factually incorrect and without any basis.

In my view, the initiation of proceedings under Section 182 IPC against the petitioner at this stage when the judicial verdict in the case arising out of F.I.R.No.84 dated 2.6.2003 is yet to come, are totally pre-mature and cannot sustain any further.

For the reasons afore-stated, the Calendra dated 22.8.2005

(Annexure P-5) whereby the proceedings under Section 182 IPC have been initiated against the petitioner as well as all the subsequent proceedings arising therefrom are hereby quashed.

April 28, 2007 **(SURYA KANT)**
poonam **JUDGE**